

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

K.B. and M.B., by their mother,
Next Friend, and guardian T.B.,
P.S., by his guardians, M.S., G.P.,
by her parent and Next Friend A.P.,
D.P., by his guardian, T.P., G.G., by
his mother and Next Friend M.G.,
J.W., by his guardian S.P.,

Plaintiffs,

v

MICHIGAN DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ROBERT GORDON, Director of
Michigan Department of Health and
Human Services in his official
capacity; and GRETCHEN
WHITMER, Governor of Michigan in
her official capacity; jointly and
severally,

Defendants.

No. 18-cv-11795-TLL-PTM

HON. THOMAS L. LUDINGTON

MAG. PATRICIA T. MORRIS

**STIPULATION TO EXTEND
AND AMEND INTERIM
AGREEMENT**

David M. Honigman (P33146)
Gerard V. Mantese (P34424)
Theresamarie Mantese (P53275)
Emily Fields (P82047)
Mantese Honigman, P.C.
Attorneys for Plaintiffs
1361 E. Big Beaver Road
Troy, MI 48083
(248) 457-9200
dhonigman@manteselaw.com
gmantese@manteselaw.com
tmantese@manteselaw.com
efields@manteselaw.com

Kimberly Lewis (CA - 144879)
Abigail Coursolle (CA - 26646)
National Health Law Program
Attorneys for Plaintiffs
3701 Wilshire Blvd., Ste 750
Los Angeles, CA 90010
(310) 736-1652
lewis@healthlaw.org
coursolle@healthlaw.org

Stephanie M. Service (P73305)
Kathleen A. Halloran (P76453)
Mark Donnelly (P39281)
Attorneys for Defendants
Michigan Department of Attorney
General
Health, Education & Family
Services Division
P.O. Box 30758
Lansing, MI 48909
(517) 335-7603
ServiceS3@michigan.gov
HalloranK1@michigan.gov
DonnellyM@michigan.gov

Kyle M. Williams (P77227)
Mark Cody (P42695)
Chris E. Davis (P52159)
Disability Rights Michigan
Attorneys for Plaintiffs
4095 Legacy Parkway
Lansing, MI 48911
(517) 487-1755
kwilliams@drmich.org
mcody@drmich.org
cdavis @drmich.org

John J. Conway (P56659)
Joshua Whicker (P84855)
John J. Conway PC
Attorney for Plaintiffs
26622 Woodward Ave.
Suite 225
Royal Oak, MI 48067
(313) 961-6525
jj@jjconwaylaw.com
josh@jjconwaylaw.com

**STIPULATION TO EXTEND AND AMEND
INTERIM AGREEMENT**

The parties, through their counsel, stipulate and agree:

1. On August 4, 2020, the parties entered into an Interim Agreement, which required continued settlement negotiations, development of an implementation plan by the Michigan Department of Health and Humans Services (MDHHS), and filing of a final settlement agreement. (ECF No. 50)
2. Since that date, the parties have continued to actively engage in settlement negotiations. While the parties have made significant progress toward settlement, additional time is needed to draft a final settlement agreement.
3. As such, the parties stipulate to extend the Interim Agreement to February 1, 2022, at which time the parties intend to have a final agreement to submit to the Court.
4. The Interim Agreement calls for the cessation of litigation activities in this case. *Id.*
5. The Interim Agreement may be amended by mutual agreement of the parties and approval of the Court. Such amendments must be

in writing, signed by persons authorized to bind each party, and approved by the Court. *Id.*

6. The parties hereby agree to allow the following limited litigation activities to recommence starting December 1, 2021:

a. The parties may stipulate to an order allowing Plaintiffs to file an Amended Complaint. Absent a stipulation, Plaintiffs may file for leave to Amend their Complaint, adding new class representatives.

b. The parties may stipulate to an order granting class certification. Absent a stipulation, Plaintiffs may file a motion for class certification during the extension period outlined in this Stipulation.

7. Formal Discovery continues to be stayed during the extension period outlined in this Stipulation.

8. On August 11, 2020, upon agreement of the parties, the Court entered an Order allowing for Plaintiffs to move for class certification if settlement negotiations were unsuccessful. (ECF No. 51). Although the parties are agreeing that Plaintiffs may file

a motion for class certification, the parties are still actively engaging in settlement activities.

9. This Stipulation to Extend and Amend Interim Agreement shall constitute an Amendment to the Interim Agreement reached on August 4, 2020 once signed by this Honorable Court.

Stipulated to by:

| | |
|---|---------------------------------|
| <u>/s/ Kyle M. Williams (with permission)</u> | <u>/s/ Stephanie M. Service</u> |
| Kyle M. Williams (P77227) | Stephanie M. Service (P73305) |
| Attorney for Plaintiffs | Attorney for Defendants |

Dated: November 19, 2021

Dated: November 19, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

K.B. and M.B., by their mother,
Next Friend, and guardian T.B.,
P.S., by his guardians, M.S., G.P.,
by her parent and Next Friend A.P.,
D.P., by his guardian, T.P., G.G., by
his mother and Next Friend M.G.,
J.W., by his guardian S.P.,

Plaintiffs,

v

MICHIGAN DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ROBERT GORDON, Director of
Michigan Department of Health and
Human Services in his official
capacity; and GRETCHEN
WHITMER, Governor of Michigan in
her official capacity; jointly and
severally,

Defendants.

No. 18-cv-11795-TLL-PTM

HON. THOMAS L. LUDINGTON

MAG. PATRICIA T. MORRIS

**ORDER TO EXTEND
AND AMEND INTERIM
AGREEMENT**

David M. Honigman (P33146)
Gerard V. Mantese (P34424)
Theresamarie Mantese (P53275)
Emily Fields (P82047)
Mantese Honigman, P.C.
Attorneys for Plaintiffs
1361 E. Big Beaver Road
Troy, MI 48083
(248) 457-9200
dhonigman@manteselaw.com
gmantese@manteselaw.com
tmantese@manteselaw.com
efields@manteselaw.com

Kimberly Lewis (CA - 144879)
Abigail Coursolle (CA - 26646)
National Health Law Program
Attorneys for Plaintiffs
3701 Wilshire Blvd., Ste 750
Los Angeles, CA 90010
(310) 736-1652
lewis@healthlaw.org
coursolle@healthlaw.org

Stephanie M. Service (P73305)
Kathleen A. Halloran (P76453)
Mark Donnelly (P39281)
Attorneys for Defendants
Michigan Department of Attorney
General
Health, Education & Family
Services Division
P.O. Box 30758
Lansing, MI 48909
(517) 335-7603
ServiceS3@michigan.gov
HalloranK1@michigan.gov
DonnellyM@michigan.gov

Kyle M. Williams (P77227)
Mark Cody (P42695)
Chris E. Davis (P52159)
Disability Rights Michigan
Attorneys for Plaintiffs
4095 Legacy Parkway
Lansing, MI 48911
(517) 487-1755
kwilliams@drmich.org
mcody@drmich.org
cdavis @drmich.org

John J. Conway (P56659)
Joshua Whicker (P84855)
John J. Conway PC
Attorney for Plaintiffs
26622 Woodward Ave.
Suite 225
Royal Oak, MI 48067
(313) 961-6525
jj@jjconwaylaw.com
josh@jjconwaylaw.com

**ORDER EXTENDING AND AMENDING THE INTERIM
AGREEMENT**

Pursuant to the Stipulation to Extend and Amend the Interim Agreement of the parties, the Interim Agreement is extended to February 1, 2022 and the limited litigation activities will recommence according to the terms of the parties' Stipulation to Extend and Amend the Interim Agreement.

IT IS SO ORDERED.

Dated: November 23, 2021

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge